

APPEAL NO. 021199  
FILED JULY 1, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was opened on February 7, 2002, and concluded on April 25, 2002. The hearing officer determined that the respondent (claimant) reached maximum medical improvement (MMI) on the statutory date (May 31, 2000), and that the claimant's impairment rating (IR) is 17%. The appellant (carrier) appeals, urging that the great weight of the other medical evidence is contrary to the IR assigned by the Texas Workers' Compensation Commission (Commission)-selected designated doctor, Dr. B, and that a different IR should be adopted. Our file does not contain a response from the claimant. The determination of MMI date has not been appealed and is final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's IR is 17% as assigned by the designated doctor in his amended narrative report, dated February 15, 2002, as it was corrected by the hearing officer for an error made by the designated doctor in reading Figure 46 in the Guides to the Evaluation of Permanent Impairment, third edition, second printing, dated February 1989, published by the American Medical Association. Section 408.125(e) provides that the report of the designated doctor chosen by the Commission has presumptive weight and the Commission shall base its determination of IR on that report unless the great weight of the medical evidence is to the contrary. Under Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § Rule 130.6(i) (Rule 130.6(ii)) and Texas Workers' Compensation Commission Appeal No. 013042-s, decided January 17, 2002, amended reports from the designated doctor are considered to have presumptive weight. The hearing officer considered the medical evidence and decided that the great weight of the medical evidence was not contrary to the opinion of the designated doctor (as corrected by the hearing officer) that the claimant's IR was 17%. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer reviewed the record and resolved what facts were established. We conclude that the hearing officer's determinations are sufficiently supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**GEORGE MICHAEL JONES  
9330 LBJ FREEWAY, SUITE 1200  
DALLAS, TEXAS 75243.**

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Michael B. McShane  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Susan M. Kelley  
Appeals Judge